THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13683 of 2006

O r d e r:

The petitioner joined the service of the respondents-APSRTC as Cleaner in 1978. Upon passing Trade Test in Mill Grade Mechanic, he was promoted as Mill Grade Mechanic in 1987. While working as Mill Grade Mechanic, the petitioner states that the 3rd respondent, namely the Depot Manager, Hanamakonda, Warangal District, informed him that he has been re-categorized as Painter and transferred to 4th respondent-Depot. To effect such transfer, the 3rd respondent issued orders dated 20.04.2006, relieving the petitioner from Hanamkonda Depot. Aggrieved by the action of the respondents in re-categorizing him from the post of Mill Grade Mechanic to Painter, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the petitioner, who joined the service of the respondents-APSRTC as Cleaner, was promoted to the post of Mill Grade Mechanic upon his passing the Trade Test in Mill Grade Mechanic. He submits that Mill Grade Mechanic post is Grade-I post whereas the Painter is Grade-II Post, therefore, re-categorization of the petitioner to the lower post of Painter is nothing but reverting to a lower post without any notice or without any reason and it would adversely effect his future promotion, and as such, the action of the respondents in re-categorizing him from the post of Mill Grade Mechanic to that of Painter, is illegal and arbitrary, and more so when the nature of duties and responsibilities attached to the post of Mill Grade Mechanic and Painter are different.

The respondents filed detailed counter. The learned Standing

Counsel for the respondents-APSRTC reiterating the counter averments submitted that the Board of APSRTC passed Resolution No. 157/2000, dated 25.11.2000, for re-categorization of excess staff available in the various categories in the Depots, based on the revised norms to the categories having shortage, by implementing the concept of multi-trade skills in the Depots, Workshops and Body Building Units. In pursuance of the said resolution, the Vice Chairman and Managing Director, vide Circular No. 01/2000-MED, dated 20.01.2001, issued various guidelines for adjustment of excess staff. He submitted that as per the Circular, in case Artisans, who are found in excess in a particular category, are not willing for re-categorization to other trades where there is shortage, the junior-most excess artisan, has to be re-categorized. As the petitioner was the junior-most in the seniority list of Mill Grade Mechanics in Warangal Region, he was re-categorized and transferred to Jangaon Depot. He submitted that there is no disturbance to his service conditions or his seniority nor is there any financial loss caused to the petitioner by virtue of re-categorization nor is his promotion channel affected. He thus submitted that the petitioner cannot have any grievance about his re-categorization, and prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

The respondents, to improve their productivity, sought to implement the concept of multi-trade skills in Depots/Workshops/Body Building Units. Keeping this concept in view, they sought to adjust the excess staff in a category to other categories by re-categorizing them. The guidelines for adjustment of excess staff, issued by the Vice Chairman and Managing Director, vide Circular No. 01/2000-MED, dated 20.01.2001, provide re-categorization of excess Mill Wright

Mechanics to the categories of Mechanic/Painter/Blacksmith/Tyre Mechanic. The petitioner, it is stated by the respondents, is the junior-most in the seniority-list of Mill Wright Mechanics in Warangal Region, and having regard to the instructions issued by the Head Office in their Lr. No. SA1/255(17)/2002-PO-III, dated 22.03.2002, which provides for re-categorization of the junior-most in the category, the petitioner was re-categorized as Painter. It is not as if the respondents by re-categorizing the petitioner, have altered his service conditions or placed him in a lesser scale of pay. It is the specific case of the respondents that upon re-categorization, the service conditions of the petitioner are not changed nor his seniority is disturbed in the category nor is promotion channel is disturbed, and this apart, it is their specific case that the time scale of pay of Mill Wright Mechanics and Painters is one and the same, they have not been altered, and that both the categories of Mill Wright Mechanic and Painter are feeder posts for promotion to the post of Leading Hand, and that the petitioner is entitled to promotion to the said post as per his seniority. When the re-categorization did not take away the benefits, which the petitioner is presently enjoying, and having regard to the fact that neither the service conditions of the petitioner nor his promotion channel to the next higher post nor his pay scale upon re-categorization is affected, and he being entitled to promotion to the post of Leading Hand, I am of the considered opinion that the petitioner cannot have any grievance about the re-categorization.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 10th August, 2006.
KSR